2013 DRAFTING REQUEST

Bill

Received:	**1/31/2013**	Received By:	**jkuesel**
Wanted:	**As time permits**	Same as LRB:	**-1810**
For:	**Kathleen Bernier (608) 266-9172**	By/Representing:	**Chad Zuleger**
May Contact:		Drafter:	**jkreye**
Subject:	**Elections - miscellaneous**	Addl. Drafters:	
		Extra Copies:	**TKK** **JTK**

Submit via email:	**YES**
Requester's email:	**Rep.Bernier@legis.wisconsin.gov**
Carbon copy (CC) to:	**joseph.kreye@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Maintenance of voting returns by ward

Instructions:

Any municipality having a population of 35,000 or more may provide that election returns for any ward having a population of more than 20 shall be combined with returns for any ward that is adjacent to that ward having a population of 20 or less, unless separate returns are required to determine the results of an election. Clerk to estimate ward populations if no census population is available.

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	jkreye 2/8/2013			———— ————			
/1	jkreye	wjackson	rschluet	————	mbarman		

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
	2/20/2013	2/13/2013	2/14/2013	_____	2/14/2013		
/2	jkreye	wjackson	rschluet	_____	sbasford		
	2/22/2013	2/21/2013	2/21/2013		2/21/2013		
/3		wjackson	jmurphy	_____	lparisi	lparisi	
		2/25/2013	2/25/2013		2/25/2013	3/14/2013	

FE Sent For: ~~none~~

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	2/22/2013	2/21/2013	2/21/2013		2/21/2013		
/3		wjackson	jmurphy	_____	lparisi		
		2/25/2013	2/25/2013		2/25/2013		

FE Sent For:

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/1	jkreye	wjackson	rschluet	_Jmc 2/25_ _alf_	mbarman		

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
	2/20/2013	2/13/2013	2/14/2013	_____	2/14/2013		
/2		wjackson	rschluet	_____	sbasford		
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FE Sent For: /3 WLj 2|25

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/?	jkreye 2/8/2013		_____				
/1		wjackson	rschluet	_____	mbarman		

/2 WLj 2|21

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
		2/13/2013	2/14/2013		2/14/2013		

FE Sent For:

<END>

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/?	jkreye	/1 WLJ 2/13		___			
				___			

FE Sent For:

<END>

2013 BILL

1 AN ACT ...; **relating to:** the method of reporting election returns by

2 municipalities.

Analysis by the Legislative Reference Bureau

Currently, the voters of each ward vote at the same polling place, which is generally separate from other polling places in a municipality. Election returns are reported by ward unless otherwise authorized by law. Currently, no later than 60 days before each September primary and general election, and no later than 30 days before each other election, the governing body of a municipality may combine two or more wards for voting purposes to permit the use of a common polling place. In municipalities with a population of 35,000 or more, a municipality must continue to report all election returns by ward even where wards are combined for voting purposes at a single location. Other municipalities may report returns for combined wards together unless a separate ballot is required in a partisan election, in which case separate returns must be reported for the offices listed on each separate ballot so that the results of the various elections may be determined.

Under this bill, any municipality having a population of 35,000 or more may provide that election returns for any ward having a population of more than 20 will be combined with returns for any ward that is adjacent to that ward having a population of 20 or less, unless separate returns are required to determine the results of an election. The bill allows the municipal clerk to estimate ward

populations for the purpose of combining returns if the population cannot be determined from census results.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1   SECTION 1. 5.15 (6) (b) of the statutes is amended to read:

2   5.15 **(6)** (b) No later than 30 days before each election, the governing body of

3   any municipality may by resolution combine 2 or more wards for voting purposes to

4   facilitate using a common polling place. Whenever wards are so combined, the

5   original ward numbers shall continue to be utilized for all official purposes. Except

6   as otherwise authorized under this paragraph, every municipality having a

7   population of 35,000 or more shall maintain separate returns for each ward so

8   combined. In municipalities having a population of 35,000 or more, the governing

9   body may provide in the resolution that returns for any ward having a population of

10   more than 20 be combined with returns for any ward adjacent to that ward having

11   a population of 20 or less. In municipalities having a population of less than 35,000,

12   the governing body may provide in the resolution that returns shall be maintained

13   only for each group of combined wards at any election. Whenever a governing body

14   provides ~~for common ballot boxes and ballots or voting machines,~~ that returns shall

15   be maintained only for combined wards under this paragraph, the municipality shall

16   report separate ~~returns shall be maintained~~ results for each separate ballot required

17   under ss. ~~5.62 and~~ 5.58 to 5.64 ~~at the partisan primary and general election.~~ The

18   municipal clerk shall transmit a copy of the resolution to the county clerk of each

19   county in which the municipality is contained. In municipalities having a population

20   of less than 35,000, the resolution shall remain in effect for each election until

21   modified or rescinded, or until a new division is made under this section. Whenever

1   needed for purposes of this paragraph, the municipal clerk shall determine the

2   population of each ward in his or her municipality. If the population of a ward cannot

3   be determined from census results, the clerk shall determine the population of the

4   smallest unit encompassing the entire ward that can be determined from census

5   results. The clerk shall then divide the land area of the ward by the land area of that

6   unit. The clerk shall then multiply that result by the population of the unit to

7   determine the population of the ward for purposes of this paragraph.

History: 1971 c. 304 ss. 3 to 5, 29 (2); 1977 c. 26, 418, 427, 449; 1979 c. 260; 1981 c. 4 ss. 2 to 10, 18; 1981 c. 314; 1983 a. 29, 192, 442; 1983 a. 484 ss. 8e, 174; 1983 a. 538; 1985 a. 304 ss. 8 to 10, 12; 1987 a. 391; 1991 a. 5, 143, 315; 1993 a. 213; 1995 a. 201; 1999 a. 182; 2005 a. 149, 312; 2011 a. 39, 75.

8   **SECTION 2. Initial applicability.**

9   (1) This act first applies with respect to reporting of election returns for

10   elections held on or after the effective date of this subsection.

11   **(END)**

2013 BILL

in 2-20-13

(due Thurs 2-21 by noon)

(Regen)

1 AN ACT *to amend* 5.15 (6) (b) of the statutes; **relating to:** the method of reporting

2 election returns by municipalities.

Analysis by the Legislative Reference Bureau

Currently, the voters of each ward vote at the same polling place, which is generally separate from other polling places in a municipality. Election returns are reported by ward unless otherwise authorized by law. Currently, no later than 60 days before each September primary and general election, and no later than 30 days before each other election, the governing body of a municipality may combine two or more wards for voting purposes to permit the use of a common polling place. In municipalities with a population of 35,000 or more, a municipality must continue to report all election returns by ward even where wards are combined for voting purposes at a single location. Other municipalities may report returns for combined wards together unless a separate ballot is required in a partisan election, in which case separate returns must be reported for the offices listed on each separate ballot so that the results of the various elections may be determined.

Under this bill, any municipality having a population of 35,000 or more may provide that election returns for any ward having a population of more than 20 will be combined with returns for any ward that is adjacent to that ward having a population of 20 or less, unless separate returns are required to determine the results of an election. The bill allows the municipal clerk to estimate ward

(Note)

a municipality, however, may not combine wards if the total population of the combined wards would exceed the applicable population range for wards in that municipality.

populations for the purpose of combining returns if the population cannot be determined from census results.

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5   original ward numbers shall continue to be utilized for all official purposes. Except

6   as otherwise authorized under this paragraph, every municipality having a

7   population of 35,000 or more shall maintain separate returns for each ward so

8   combined. In municipalities having a population of 35,000 or more, the governing

9   body may provide in the resolution that returns for any ward having a population of

10   more than 20 be combined with returns for any ward adjacent to that ward having

11   a population of 20 or less. In municipalities having a population of less than 35,000,

12   the governing body may provide in the resolution that returns shall be maintained

13   only for each group of combined wards at any election. Whenever a governing body

14   provides ~~for common ballot boxes and ballots or voting machines,~~ that returns shall

15   be maintained only for combined wards under this paragraph, the municipality shall

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17   under ss. ~~5.62 and~~ 5.58 to 5.64 ~~at the partisan primary and general election~~. The

18   municipal clerk shall transmit a copy of the resolution to the county clerk of each

19   county in which the municipality is contained. In municipalities having a population

20   of less than 35,000, the resolution shall remain in effect for each election until

21   modified or rescinded, or until a new division is made under this section. Whenever

if the total population of the combined wards does not exceed the applicable population range under sub. (2) (b) for wards in that municipality

1   needed for purposes of this paragraph, the municipal clerk shall determine the

2   population of each ward in his or her municipality. If the population of a ward cannot

3   be determined from census results, the clerk shall determine the population of the

4   smallest unit encompassing the entire ward that can be determined from census

5   results. The clerk shall then divide the land area of the ward by the land area of that

6   unit. The clerk shall then multiply that result by the population of the unit to

7   determine the population of the ward for purposes of this paragraph.

8   SECTION 2. **Initial applicability.**

9   (1) This act first applies with respect to reporting of election returns for

10 elections held on the effective date of this subsection.

11   **(END)**

From:	Zuleger, Chad
Sent:	Friday, February 22, 2013 2:10 PM
To:	Kreye, Joseph
Subject:	LRB 1442/2 revision

— smaller wards &
— small + large

Joe –

Here's my take on the change Rep. Bernier would like to make:

? — covered

Essentially, she'd like clarified that 1, 2, 3, 5, or 10 wards with the same ballot style and with a population under 20 may combine, either together or with a larger adjacent ward, as long as they don't create a ward larger in population than is allowed under statute.

LRB-1442/2
pg. 2 ln. 8 - 11

"...the governing body may provide in ~~the~~ (change 'the' to 'a') resolution that returns for any ward having a population of less than 20 may combine with an adjacent ward if the total population of the combined wards does not exceed..."

How does this language work with existing statute? Does this seem to you to get at what Kathy wants this bill to do? Let's talk when you have a chance to review this. Thanks.

Chad

Chad Zuleger
Office of State Representative Kathy Bernier
68th Assembly District
107 West, State Capitol | PO Box 8952 | Madison, WI 53708
Phone: (608) 266-9172
Toll Free: (888) 534-0068
Website

2013 BILL

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2   election returns by municipalities.

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8   combined. In municipalities having a population of 35,000 or more, the governing

9   body may provide in the resolution that returns for any ward having a population of less

10 more than 20 be combined with returns for any ward adjacent to that ward having

11 a population of 20 or less, if the total population of the combined wards does not

12 exceed the applicable population range under sub. (2) (b) for wards in that

13 municipality. In municipalities having a population of less than 35,000, the

14 governing body may provide in the resolution that returns shall be maintained only

15 for each group of combined wards at any election. Whenever a governing body

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9 determine the population of the ward for purposes of this paragraph.

10 **SECTION 2. Initial applicability.**

11 (1) This act first applies with respect to reporting of election returns for

12 elections held on the effective date of this subsection.

13 **(END)**

From:	Zuleger, Chad
Sent:	Thursday, March 14, 2013 12:19 PM
To:	LRB.Legal
Subject:	Draft Review: LRB -1442/3 Topic: Maintenance of voting returns by ward

Please Jacket LRB -1442/3 for the ASSEMBLY.